

Entered - 12-6-99 - sb  
99L0831 - ALEXIS HOLMES

02-R-0131

CLAIM OF: STATE FARM INSURANCE COMPANIES, and  
YOLANDA HOLT,  
Through their attorney  
D. Todd Markel  
Miller & Markle, L.L.P.  
23 Lenox Pointe  
Atlanta, Georgia 30324

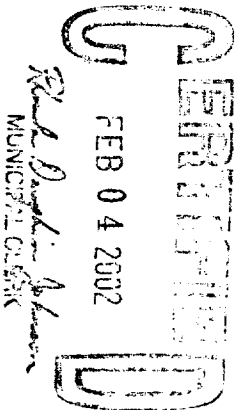
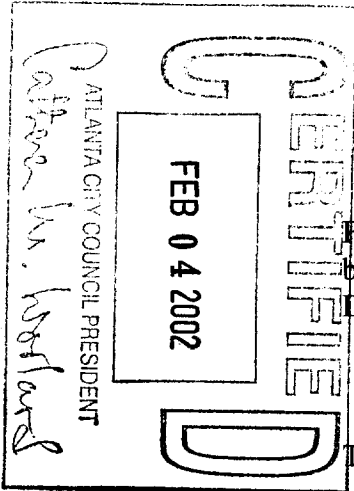
For damages alleged to have been sustained as a result sewage  
backing up into claimant's home on May 7, 1999 at 3318 Hazelwood  
Drive, SW.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSE REPORT  
CITY COUNCIL FEB 04 2002

ADVERSE REPORT  
COMMITTEE Public Safety  
DATE JAN 29 2002  
CHAIR Carla Smith  
MEMBERS Carla Smith  
John Smith  
Patricia Smith





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 13, 2002

D. Todd Markle  
Attorney at Law  
Miller & Markel, L.L.P.  
23 Lenox Pointe  
Atlanta, GA 30324

02-R-0131

RE: State Farm Insurance Companies, and  
Yolanda Holt

Dear Attorney Markle:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0831

Date: 2/07/02

Claimant /Victim STATE FARM INSURANCE COMPANIES AND YOLANDA HOLT  
BY: (Atty) D. Todd Markle  
Address: Miller & Markle, L.L.P. 23 Lenox Pointe Atlanta, Georgia 30324  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 7,914.08 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 12/2/99 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X \_\_\_\_\_ Ante Litem (6 Mo.) \_\_\_\_\_  
Date of Occurrence 5/7/99 Place: 3318 Hazelwood Drive, SW  
Department Public Works Division: Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action \_\_\_\_\_

**NATURE OF CLAIM:** The claimant Yolanda Holt alleges that she sustained property damage when a sewer drain in her basement backed up, and raw sewage overflowed into her home causing extensive damage to her property. During an investigation it was discovered that the incident was due to problems in the claimant's sewer lines, and not a City sewer mainline problem. Furthermore, the claim as presented does not comply with the requirements of notice set forth in O.C.G.A. § 36-33-5, the six (6) month statute of limitation expired prior to the receipt of the claim.

## INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Other   X   Written   X   Oral   X    
 Pictures   X   Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental                     X                     Ministerial                       
Improper Notice                      More than Six Months           X           Other           X           Damages reasonable                       
City not involved                     X                     Offer rejected                      Compromise settlement                       
Repair/replacement by Ins. Co.                      Repair/replacement by City Forces                       
Claimant Negligent                      City Negligent                      Joint                      Claim Abandoned                     

Respectfully submitted,

Alexis Holmes  
INVESTIGATOR - ALEXIS HOLMES

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse ☒ Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
 Claims Manager [Signature] Concur/date 01-14-02  
 Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3449  
2/04/02  
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;  
02-R-0005;02-O-0006;02-R-0193;02-R-0105  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0105  
02-R-0193

CORRECTED COPY

CONSENT I

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**02/04/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

**ITEMS ADVERSED ON  
CONSENT AGENDA**

15. 02-R-0117
  16. 02-R-0118
  17. 02-R-0119
  18. 02-R-0120
  19. 02-R-0121
  20. 02-R-0122
  21. 02-R-0123
  22. 02-R-0124
  23. 02-R-0125
  24. 02-R-0126
  25. 02-R-0127
  26. 02-R-0128
  27. 02-R-0129
  28. 02-R-0130
  29. 02-R-0131
  30. 02-R-0132
  31. 02-R-0133
  32. 02-R-0134
  33. 02-R-0135
  34. 02-R-0136
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